

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY )  
PARTNERS, COUNTRY MUSIC )  
TELEVISION, INC., PARAMOUNT )  
PICTURES CORPORATION, and BLACK )  
ENTERTAINMENT TELEVISION, LLC, )

Plaintiffs, )

vs. )

YOUTUBE, INC., YOUTUBE, LLC, )  
and GOOGLE, INC., )

Defendants. )

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THE FOOTBALL ASSOCIATION PREMIER )  
LEAGUE LIMITED, BOURNE CO., et al., )  
on behalf of themselves and all )  
others similarly situated, )

Plaintiffs, )

vs. )

YOUTUBE, INC., YOUTUBE, LLC, and )  
GOOGLE, INC., )

Defendants. )

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VIDEOTAPED DEPOSITION OF MARYROSE DUNTON  
SAN FRANCISCO, CALIFORNIA  
FRIDAY, AUGUST 22, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR  
CSR LICENSE NO. 9830  
JOB NO. 15500

**Figueira Decl. Tab**

**18**

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2 12:16:14 content," what do you mean?

3 12:16:15 A I mean content that looks to be

4 12:16:18 professionally produced. It's glossy. It's not what

5 12:16:22 we would define at the time as user-generated content.

6 12:16:26 Q Okay. Steve then says "maryrose, you're

7 12:16:35 fired." But that was in gest; correct?

8 12:16:46 A I imagine it -- I imagine it was in gest,

9 12:16:48 correct.

10 12:16:49 Q He didn't fire you; did he?

11 12:16:50 A Steve Chen did not fire me.

12 12:16:52 Q Okay. Then you respond "oh, what I meant to  
13 12:16:55 say after I found that 70%, I went and flagged it all  
14 12:16:58 for review."

15 12:16:59 What does it mean to flag it for review?

16 12:17:03 A At the time, it meant it goes into a queue  
17 12:17:07 that somebody at YouTube reviews.

18 12:17:13 Q Reviews for what purpose?

19 12:17:15 A They can review it for many different  
20 12:17:17 purposes. Things are flagged because users find them  
21 12:17:21 inappropriate. Anything that users feel break our  
22 12:17:24 Terms of Use.

23 12:17:25 Q Okay. But you did not flag it all for  
24 12:17:31 review; did you?

25 12:17:33 A I don't know. I don't believe I flagged the

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2 12:17:39 videos I saw on the most viewed for review.  
3 12:17:43 Q Okay. This is a joke; right? You're being  
4 12:17:50 sarcastic --  
5 12:17:51 A Which part?  
6 12:17:53 Q -- in the IM?  
7 12:17:54 A Which part?  
8 12:17:55 Q That you went and flagged it all for review?  
9 12:17:58 A I'm probably being sarcastic, yes.  
10 12:18:00 Q And Steve writes back "Oh! Of course."  
11 12:18:05 He's being sarcastic back; correct?  
12 12:18:10 MR. KRAMER: Calls for speculation.  
13 12:18:12 THE WITNESS: I don't know if Steve is being  
14 12:18:14 sarcastic or not.  
15 12:18:15 MR. DESANCTIS: Q. Do you think he actually  
16 12:18:17 thought that you flagged all 70 percent for review?  
17 12:18:24 A I don't know what he thought.  
18 12:18:25 Q Okay. Was there a flag for copyright  
19 12:18:38 infringement in 2006, in February of 2006?  
20 12:18:42 A On the YouTube.com website?  
21 12:18:45 Q On the YouTube -- yes.  
22 12:18:48 A On the user facing --  
23 12:18:52 Q As an admin tool.  
24 12:19:00 A I don't recall.  
25 12:19:01 Q Okay. Was it the practice of employees at

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12:22:41 her testimony.

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12:22:41 MR. DESANCTIS: It doesn't mischaracterize

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12:22:43 the testimony at all.

5

12:22:44 Q You then say "because we've got to work

6

12:22:48 towards having a site 100% free of copyrighted

7

12:22:51 material, ya know."

8

12:22:54 You were being sarcastic there again; weren't

9

12:22:58 you?

10

12:23:02 A I don't know if I was being sarcastic. As I

11

12:23:06 said, we used the terms "copyrighted" and "premium --"

12

12:23:11 we exchanged those two terms quite a bit.

13

12:23:14 I thought it was -- yes, this is true. I

14

12:23:17 didn't think it was possible to have a site

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12:23:22 100 percent free, nor why would we want to, of

16

12:23:26 premium, of professionally produced content. We had

17

12:23:29 premium professional produced content since the

18

12:23:32 beginning of YouTube.

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12:23:39 Q So then -- so then when you said, "We've got

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12:23:44 to work towards having a site 100 percent free of

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12:23:47 copyrighted material," are you telling us now that you

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12:23:55 meant that or that you were being sarcastic?

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12:24:00 MR. KRAMER: Objection; the question is

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12:24:01 compound.

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12:24:02 THE WITNESS: I don't remember this chat